

**BOARD OF COUNTY COMMISSIONERS  
MONTGOMERY COUNTY, KANSAS  
OFFICIAL MINUTES**

April 19, 2010

The Board of County Commissioners, three members and the County Clerk present, met in regular session at 9:00 AM.

**CALL TO ORDER:** Commissioner Fowler.

**INVOCATION:** Commissioner Fowler.

**PLEDGE OF ALLEGIANCE:** Commissioner Brown.

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**AGENDA APPROVAL:**

**ACTION:** *A motion was made by Commissioner Brown to approve the agenda as amended.. The motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes*

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**APPROVAL OF PAYMENT OF INVOICES:**

**ACTION:** *A motion was made by Commissioner Fowler to approve invoices in the amount of - \$174,441.92 as presented by the County Clerk's office. The motion was seconded by Commissioner Brown.*

*ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes*

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**APPROVAL OF MINUTES:**

**ACTION:** *A motion was made by Commissioner Brown to approve the minutes of April 12, 2010 as presented by the County Clerk as amended to include Resolution 10-74-1 authorizing the Public Works Director to offer Frazee Cattle Company \$800.00 for right-of-way for construction of a new bridge on County Road 1600 mile 23. The motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes*

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**COUNTY APPRAISER – NON-ELECTED PERSONNEL:**

County Appraiser LeRoy Burk met with the Board and requested an Executive Session to discuss non-elected personnel. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to recess to Executive Session at 9:25 AM to return at 9:35 AM to discuss non-elected personnel with the Board and the County Appraiser present. Motion was seconded by Commissioner Brown.*

*ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes*

Returned to session at 9:35 AM stating no action taken and no decisions made.

**COUNTY APPRAISER (Continued):**

Mr. Burk reported on Underground Gas Storage he has been working on with other counties. He asked if the Board wants to proceed with the County Counselor on these negotiations and the Board stated they did want to proceed and continue working with the Pact using our County Counselor.

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**ROBERT PIERCE – BUDGETS:**

Mr. Robert Pierce appeared before the Board to discuss department budgeting for 2011 and county spending. He referred to several articles in the paper when the Board has discussed preparations for budgeting and working to lower the mill levy. Mr. Pierce wants the county to submit a bid “now” on Washington School and “not let it get away from the county”. He wants the county to bid \$100,000.00 to be paid over a ten (10) year period, interest free. He also wants the Board to consider honoring the vote of the people on the Advisory Election Ballot during the last Commission and establish a five-member County Commission Board.

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**DALE ROBERTS – PROPERTY TAXES:**

Mr. Dale Roberts appeared before the Board representing the Montgomery County Citizens for Tax Reform. He made requests to the Board for (1) 5% cut from expenses (2) Do not spend protest money (3) Do not borrow money. He discussed lowering of the mill levy to 32 mills by the lowering of budgets including the agencies outside the county offices. An information leaflet was given to the Board and to the audience at the meeting by Mr. Roberts.

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**Recessed at 10:05 AM**  
**Returned at 10:10 AM**

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**ADOLPH WILDGRUBE – COMMENTS ON REAL ESTATE VALUATION:**

Mr. Adolph Wildgrube spoke to the Board regarding the serious increase in valuation of his property over the past few years. He stated it has risen 49% in the last three (3) years. He said the property has been increasing in value placed by the County Appraiser when in reality the value of property is declining in the county. His question was why this is happening. The County Appraiser explained the hearing process to Mr. Wildgrube when a taxpayer feels their property is valued too high.

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**PUBLIC WORKS:**

Public Works Coordinator Robert Bever presented the weekly written report. The following items were discussed:

1. Bid Opening for window replacement in the courthouse (part of the Energy Efficiency Conservation Block Grant. The bids were as follows:

Pella Windows and Doors, Wichita, KS	\$153,976 – windows
	<u>\$ 5,547 - Trim</u>
	<b>\$159,523 Total Bid</b>

The bid was referred to Public Works Coordinator for his recommendation.

2. Recommendation on Asphalt Bid - Mr. Bever recommended accepting the low bid for asphalt in the amount of \$1,431,233.93 (\$55.61 per ton). The following action was taken:

**ACTION:** A motion was made by Commissioner Fowler to approve the low bid for asphalt in the amount of \$1,431,233.93 (\$55.81 cost per ton) submitted by Heckert Construction, Pittsburg, KS. Debit Road and Bridge Fund. Motion was seconded by Commissioner Brown.

*ROLL CALL VOTE – Commissioner Fowler - Yes*

*Commissioner Brown - Yes*

*Commissioner McManus – Yes*

*RES. NO. 10-80*

**PUBLIC WORKS (Continued):**

3. Memo regarding Right-of-Way purchase for Bridge #932 - The following action was taken:  
**ACTION:** *A motion was made by Commissioner Fowler to approve the purchase of right-of-way for Bridge #932 for new construction on County Road 1600 Mile 23 and to be paid to Paul and Dorothy Decker in the amount of \$300.00 and Frazee Cattle Co. in the amount of \$800.00. Debit Road and Bridge Fund. Motion was seconded by Commissioner Brown.*  
*ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes*  
*RES. NO. 10-81*
4. Discussed budgeting for repairs in the Department of Corrections. - Mr. Bever stated there has been no money budgeted in Building Maintenance or in DOC for repairs in this department. The question presented to the Board is which department should budget for these repairs. The Board wants the money budgeted in the Building Maintenance Department.
5. Heating and cooling system at Coffeyville 3<sup>rd</sup> Floor – Information was provided by Public Works on the agreement between the City of Coffeyville and the County. The payment schedule in 1996 was provided. Payment schedule was broken down for the Sheriff 's Department, District Court and Municipal Court Department totaling \$18,000 per year.
6. Sewer District No. 2 – Discussed properties that are in the sewer district and are on the sewer but not currently being billed. There are four (4) properties involved. Letters have been set to these landowners advising them they will begin receiving sewer bills beginning in May.
7. Mr. Bever advised the Board the County should know by the end of next week if FEMA is going to cover the over site on the 2009 winter storm.

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**MONTGOMERY COUNTY RURAL FIRE – BID OPENING – LAPTOP COMPUTERS:**

Montgomery County Rural Fire Coordinator Mark McCleary met with the Board for the bid opening for six (6) laptop computers. Bids were as follows:

Advantage Computers, Iola, KS	\$9,982.00
Computer Generation, Independence, KS	\$7,824.00

Bids were referred to Mr. McCleary and he returned to the Board with the recommendation to purchase from the low bidder, Computer Generation at a total cost of \$7,824.00. The following action was taken:

**ACTION:** *A motion was made by Commissioner Fowler to approve the recommendation of the MCRF Coordinator for the purchase of six (6) laptop computers from the low bidder, Computer Generation, Independence, Kansas in the amount of \$7,824.00. Debit MCRF#1 Fund. Motion was seconded by Commissioner McManus.*

*ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes*

*RES. NO .10- 82*

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**SHERIFF AND COUNTY ATTORNEY – ROCKY MOUNTAIN OFFENDER MANAGEMENT SYSTEM:**

Sheriff Robert Dierks and Montgomery County Attorney Larry Markle met with the Board with representatives from Rocky Mountain Offender Management System (RMOMS) specializing in Criminal Justice Resource Management. Those representing RMOMS were: Drew Brenner, Jason Bilman, and Kristy Mellen. Those representing the Sheriff's Department in addition to Sheriff Dierks were Sheriff's Administrative Assistant Liz Schwatken and IT for Department of Corrections Lon Elliott.

A presentation was made on the program by RMOMS with brochures and literature provided. They recommended an offender pay model for the county whereas the offender will pay the company directly for the monitoring when approved by the Judge. This program has been approved by the judges. The company estimated a cost savings with revenue back to the county of approximately \$216,000.00 yearly if 20 offenders would be released on the monitors and their bed space rented to outside counties. Savings would also be made with the release by no liability, food, etc. The decision was made by the Board to agree to the Offender Pay Model. The following action was taken:

**SHERIFF AND COUNTY ATTORNEY (Continued):**

**ACTION:** A motion was made by Commissioner Fowler to enter into a one-year Offender Pay Agreement between Montgomery County and Rocky Mountain Offender Management System for Criminal Justice Resources Management as recommended by Montgomery County Sheriff and Montgomery County Attorney. Motion was seconded by Commissioner McManus.

ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes

RES. NO. 10-83

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**Recessed at 11:45 AM**

**Returned at 11:55 AM**

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**OTHER COUNTY BUSINESS:**

1. Letter of support for Coffeyville Regional Medical Center was approved and signed by the Board With the letter being on file in the County Clerk’s Office. The following action was taken:

**ACTION:** A motion was made by Commissioner Brown to approve the letter of support to the Coffeyville Regional Medical Center Foundation in their effort to apply for a tax credit grant with the Kansas Department of Commerce for Radiation Oncology Quality Assurance equipment. Motion was seconded by Commissioner McManus.

ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes

2. Letter from Montgomery County Health Coordinator with recommendation on vehicle bid – The following action was taken:

**ACTION:** A motion was made by Commissioner Fowler to accept the recommendation of the Montgomery County Health Coordinator to accept the bid from Green County Ford, Inc., Vinita, Oklahoma for a new 1010 Ford Escape XLS, Front Wheel Drive in the amount of \$17,689.00 to be debited from Montgomery County Health Fund. Motion was seconded by Commissioner McManus.

ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes

RES. NO. 10-84

3. County Treasurer Nancy Clubine met with the Board to discuss the Inter-Office Memo on the hiring or rehiring of Seasonal Employees. She asked for clarification of the memo and a County Policy will be established and provided to the department heads on the resolution passed by the Board at the meeting of April 12<sup>th</sup>.

4. Fence Viewing requested by Don Gaston was set for May 3<sup>rd</sup> at 8:30 AM. Notification to the parties involved will be sent by the County Clerk and County Counselor will be notified and will attend the viewing.

5. The Annual Certificate Report on Equitable Sharing was signed by the Chairman and the Sheriff as presented by the Sheriff.

6. Executive Session –

**ACTION:** A motion was made by Commissioner McManus to recess to Executive Session at 12:05 AM to return at 12:10 AM to discuss non-elected personnel with the Board and the County Clerk present. Motion was seconded by Commissioner Fowler.

ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes

Returned to session at 12:10 AM stating no action taken and no decisions made.

7. Executive Session –

**ACTION:** A motion was made by Commissioner Fowler to recess to Executive Session at 12:15 AM to return at 12:20 AM to discuss non-elected personnel with the Board and the Montgomery County Rural Fire Coordinator present. Motion was seconded by Commissioner McManus

ROLL CALL VOTE – Commissioner Fowler - Yes  
Commissioner Brown - Yes  
Commissioner McManus – Yes

Returned to session at 12:20AM stating no action taken and no decisions made.

**ADJOURNMENT: 12:35 PM**

**ACTION:** *Motion by Commissioner Fowler seconded by Commissioner McManus.*  
*ROLL CALL VOTE – Commissioner Fowler - Yes*  
*Commissioner Brown - Yes*  
*Commissioner McManus – Yes*

**BOARD OF COUNTY COMMISSIONERS  
MONTGOMERY COUNTY, KANSAS**

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**TONY FOWLER, Chairman**

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**FRED BROWN, Member**

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**LARRY MCMANUS, Member**

**ATTEST:**

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**County Clerk**